

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NP LAKE MEAD LLC d/b/a FIESTA
HENDERSON CASINO HOTEL
Employer

and

Case 28-RC-245493

LOCAL JOINT EXECUTIVE BOARD OF
LAS VEGAS a/w UNITE HERE INTERNATIONAL
UNION
Petitioner

ORDER

The Petitioner's Request for Review of the Regional Director's Order Granting Employer's Request for Reconsideration, Mooting Employer's Motion to Extend Time for Filing Offer of Proof, Revoking Regional Director's Decision on Objections and Certification of Representative, Setting Aside Election Results, and Directing Rerun Election is granted. The Board agents' conduct alleged in Employer's Objection 2 and described in the accompanying offer of proof¹ must be analyzed under the standard set forth in *Polymers, Inc.*, 174 NLRB 282 (1969), *enfd.* 414 F.2d 999 (2d Cir. 1969), *cert. denied* 396 U.S. 1010 (1970). Under that standard, the Board "requires more than mere speculative harm to overturn an election." *J. C. Brock Corp.*, 318 NLRB 403, 404 (1995) (citation omitted). We accordingly find that Employer's Objection 2 raises substantial and material issues that can best be resolved after a hearing at which the parties will have the opportunity to present evidence concerning the harm, if any, that resulted from the Board agents' alleged conduct. The case is remanded to the Regional Director for further appropriate action, including a hearing and, if appropriate, consideration of the Employer's other Objections.

JOHN F. RING,	CHAIRMAN
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER

Dated, Washington, D.C., February 20, 2020.

¹ We retroactively grant the Employer permission to file its offer of proof via email.